

RURAL AREA FLEXIBILITY ANALYSIS

The New York State Department of Environmental Conservation (Department) proposes a rulemaking to amend and add a new paragraph to section 326.2 of 6 NYCRR Part 326 to prohibit the distribution, sale, purchase, possession, or use of pesticide products containing the active ingredient chlorpyrifos. The Department of Environmental Conservation (DEC) does not expect the proposed regulations to have a significant negative impact on rural areas.

1. TYPES AND NUMBERS OF RURAL AREAS AFFECTED

The proposed regulations apply statewide, including rural areas of the State. All areas of the State, including rural areas, will not be significantly affected directly or indirectly by the proposed rulemaking.

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS

The proposed rulemaking is intended to prohibit the distribution, sale, purchase, possession, or use of pesticide products containing the active ingredient chlorpyrifos. It does not include any recordkeeping or other compliance requirements.

3. COSTS

This proposal does not directly mandate the expenditure of funds by any sector of local government. The proposed regulations will not directly impose any significant service, duty or responsibility upon any county, city, town, village, school district or fire district in a rural area.

Costs for business and local governments may increase based upon pesticide selection and the inability for businesses and local governments to apply pesticide products containing the active ingredient chlorpyrifos. Alternative pesticides may cost more than the pesticides covered by this proposed regulation or may require additional applications for similar levels of pest control, potentially increasing costs. In many cases these increased costs should already be factored into business and local government economic plans since pesticide applicators traditionally rotate different pesticide products to prevent pesticide resistance. In addition, there may be minimal costs associated with the research associated with the selection of alternative pesticide products or pest control practices. There may also be some costs to small rural distributors of chlorpyrifos products who may have to send these products back to the registrants or otherwise potentially dispose of them.

4. MINIMIZING ADVERSE IMPACTS

The proposed rulemaking is not expected to have significant rural area adverse impacts in New York State. In order to minimize any potential adverse impacts to rural communities the timing of the effective date of the rule will allow for certain agricultural uses into the beginning of the 2021 agricultural use season. This timeframe will give industry and agricultural businesses time

to research and adopt new pest control alternatives while still allowing for critical pest control needs in 2021.

5. RURAL AREA PARTICIPATION

DEC has conducted informal meetings and calls with interested parties associated with this proposed rulemaking, including those in rural areas.

6. INITIAL REVIEW OF RULE

DEC will conduct an initial review of the rule within three years as required by SAPA § 207.